

UNITED STATES DISTRICT COURT
for the
Western District of Texas

FILED

February 09, 2022
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America
v.
Ahmad Nabih MUSTAFA

BY: Fidel Morales
DEPUTY

Case No. EP: 22-M-261-MAT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 02/08/2022 in the county of Hudspeth in the
Western District of Texas, the defendant(s) violated:

Code Section

Title 8 U.S.C § 1324 (a)(1)(A)(v)(I),
(a)(1)(A)(ii) and (a)(1)(B)(i)

Offense Description

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed together, and with others known and unknown, to commit offenses against the United States, namely: knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation for private financial gain.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.


Complaint sworn to telephonically on
February 09, 2022 at 02:00 PM and signed
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**


Complainant's signature

Cesar A. Romero, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 02/09/2022


Judge's signature

City and state: El Paso, Texas

Miguel A. Torres, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

On February 8, 2022, Sierra Blanca (SBT) Border Patrol Agent (BPA) Allen was advised that a Hudspeth County Sheriff Office (HCSO) Deputy had encountered a black GMC sport utility vehicle (SUV) bearing temporary Texas license plate 651812F on Farm to Market (FM) 1111. FM 1111 starts in Sierra Blanca, TX and connects to TX Highway (HWY) 62/180. FM 1111 is known to be used by alien smugglers to pick-up illegal aliens (IAs) since it's not a very busy road during daytime or nighttime hours. HCSO Deputies advised the vehicle may have been in the area to pickup illegal aliens (IAs) due to the subject's inconsistent story and travel itinerary coming from Dallas, TX. The subject and the GMC SUV were released without incident by HCSO. During this time, BPA Allen was also advised of a group of IAs heading toward the FM 1111 general area.

BPA Allen, Garcia, and Rothermel were assigned to FM 1111. BPAs Garcia and Rothermel parked in an area on FM 1111 known by BPAs as The Merco Trailers, which is commonly used as an IA pick-up location. BPA Allen parked near the first curve on FM 1111 leaving Sierra Blanca, TX. At approximately 0130 hours, a U-Haul passenger van bearing Arizona license plate AK25474 passed BPA Allen's location and noticed that the vehicle appeared to be heavily laden but was unable to see any passengers in it.

BPA Allen requested records checks via Big Bend Sector Radio (BBSR) of the vehicle and records came back to a 2021 Chevrolet Express Van registered to U-Haul out of Phoenix, AZ. BBSR also stated there were no vehicle crossing through the Sierra Blanca Checkpoint within the last six (6) months. BPA Allen followed the vehicle for approximately five (5) miles and noticed the driver speed up as BPA Allen was attempting to get closer to see how many occupants were inside the van. BPA Allen also noticed the driver was constantly looking through the side-view mirrors.

At this time, BPAs Garcia and Rothermel were in BPA Allen's area when BPA Allen turned on his emergency lights and initiated an immigration inspection of the van's occupants. The van slowly came to a complete stop. As BPA Allen exited his assigned government vehicle (GOV) and was approaching the van, the van began to drive north on FM 1111. BPA Allen ran back into the GOV and pursued the van. Approximately a mile north on FM 1111 the van abruptly stopped, and several persons were seen exiting the vehicle and run toward the desert east of the road. BPAs Allen and Garcia ran toward the desert in pursuit of the persons seen exiting the van.

Immediately after the persons were seen exiting the van, the van took off at a high rate of speed continuing north on FM 1111. BPA Rothermel continued to follow the van to TX HWY 62/180. During this time, a Department of Public Safety (DPS) Trooper had joined to assist BPAs and successfully stopped the van and detained the driver, later identified as Ahmad Nabih MUSTAFA.

BPA's were able to apprehend nine (9) people who fled into the desert from the van. BPA's were able to confirm the nine (9) people were illegally present in the United States and had no documents to be, reside, or work in the U.S. All individuals were transported to the SBT Station for processing.

At the SBT Station, MUSTAFA was advised of his Miranda rights by BPA's. MUSTAFA acknowledged understanding his rights and stated he was not willing to speak to agents without the presence of an attorney. MUSTAFA also uttered he was doing this for money to help pay for his mother's medical condition and stated he knew this day would come.

Homeland Security Investigations (HSI) SBT Border Enforcement Security Task-force (B.E.S.T.) Special Agent (SA) Cesar Romero was advised of the events that happened and responded to the SBT Station.

I make this affidavit on the basis of my personal knowledge, as well as the basis of information furnished to me by other law enforcement officers. Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.